

To save a Utah canyon, a BLM ranger quits and turns activist

By Elizabeth Manning

Floating past cottonwood trees and tamarisk just before dusk, Skip Edwards deftly keeps his raft within earshot of ours so he can pummel us with facts about the 1964 Wilderness Act. But around the next bend, the former Bureau of Land Management river ranger falls silent and points to a massive red and orange sandstone wall marking the entrance to Utah's Westwater Canyon. Though he's logged more than 200 trips down this section of the Colorado River, he is still awed. He shakes his head in total disbelief. "This is not worthy?"

Worthy of wilderness, he means.

For 15 years, Utahns have fought bitterly over which BLM lands in their state should be designated wilderness. A stew of wildly differing proposals reflects just how much the issue has fractured the state.

The political lead is held by Utah's Republican congressional delegation. Its House bill, H.R. 1745, and identical Senate bill, S.B. 884, would designate 1.8 million acres as wilderness.

The lone Democrat in the delegation, Bill Orton, wants only 1.1 million acres. But his proposal also includes 3.1 million acres of National Conservation Areas — a status that provides less protection than wilderness.

During the Bush administration, the BLM suggested 1.9 million acres, though the agency currently manages 3.2 million acres of de facto wilderness.

Finally, a coalition of Utah and national environmental groups known as the Utah Wilderness Coalition is

holding out for 5.7 million acres as proposed in H.R. 1500 — a bill originally drafted by former Rep. Wayne Owens, D-Utah, and now sponsored by Rep. Maurice Hinchey, D-N.Y.

The three proposals read so differently it's hard to believe they're based on the same act.

But in one rare fit of consensus, all parties agreed that Westwater Canyon in Grand County should be wilderness, even nodding to roughly the same boundaries.

"They all pointed to Westwater and said, 'This is what we mean by wilderness,'" says Bill Hedden, Grand County Council member.

Then, suddenly, in the last step of the process, the first mile and a half of the canyon, just over the Utah-Colorado border, slipped through a crack.

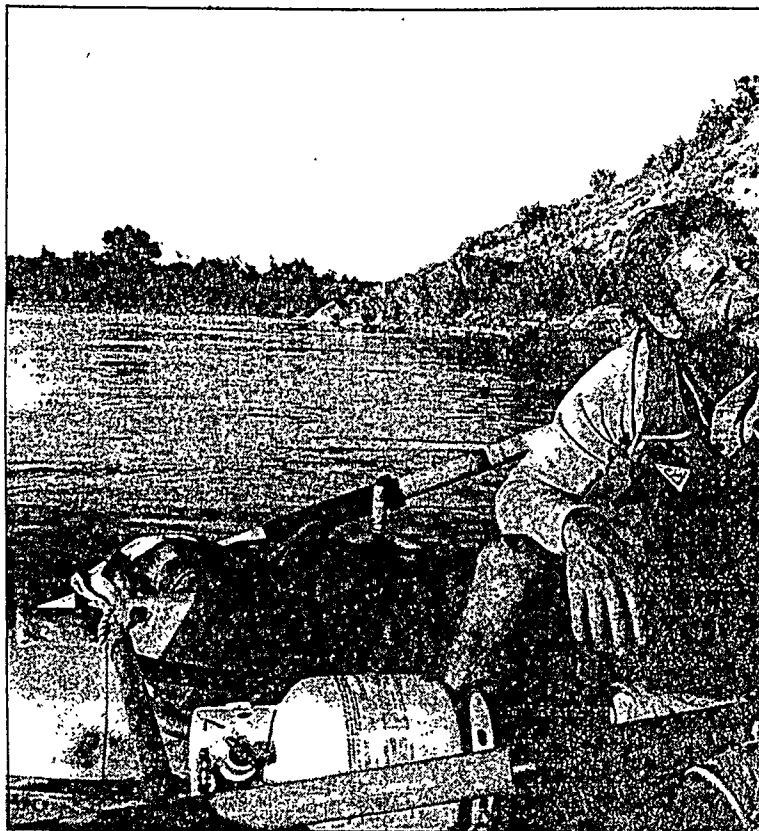
It was a crack created by Ron Pene last March in Moab. Pene, twin brother of Grand County council member Ray Pene, presented a report to the council on his family's mining claims within BLM's 31,000-acre Westwater Wilderness Study Area. He argued that because of the claims, old mining scars, historical mining shacks, an agency fence and "three and a half miles of county roads," the area was "trammed." Too trammed to be called wilderness, defined in one section of the 1964 act as "a roadless area of 5,000 acres or more, pristine and undisturbed."

Based on Ron Pene's testimony, council members — including his brother — voted 4-3 to delete 1,800 acres in Westwater from H.R. 1745. The Utah Republicans in Congress acceded to the county's wishes.

No need for wilderness

What nobody realized then, says Hedden, was that Ron Pene, 49, had illegally driven a bulldozer into his family's claims at Westwater. While

Pene admits to bulldozing the road, he insists he



Skip Edwards has found a new calling: saving a wild canyon

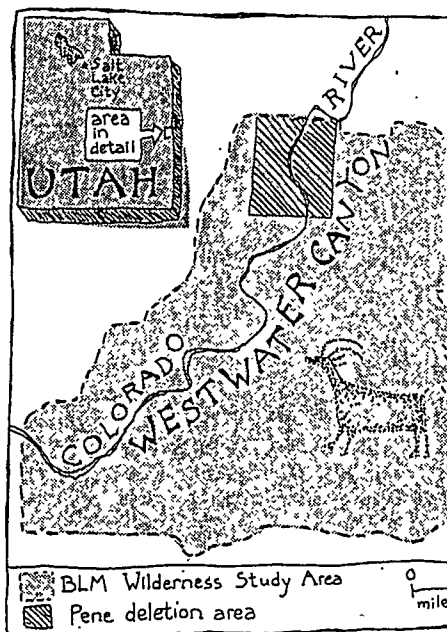
didn't break the law. His appeal with the Interior Department is still pending (see accompanying story).

A lot of people in southern Utah sympathize with Pene, who has worked as a miner, a heavy-equipment operator and a chemist for a mining company. Mining is what his family has done for three generations and mining is what he still plans to do. The fact that he has valid claims inside a wilderness study area is the BLM's problem, not his, says Pene.

By mining with a new, "high-tech, environmentally safe" recovery method that he has patented, Pene believes he can generate revenue for Utah and the county while reclaiming old mining scars.

Ray and Ron Pene grew up in Thompson, Utah, now a ghost town except for the train station that serves the growing resort town of Moab, a few homes, a cafe and a gas station by the interstate. Their grandfather, a miner and an immigrant from Italy, settled in the old coal mining town of Sego, just up the road from Thompson. Ray recalls a childhood spent scrambling through the Book Cliffs looking for pictographs, panning for gold and chucking rocks at hobos hitchhiking in open rail cars.

Ray Pene isn't a fan of wilderness



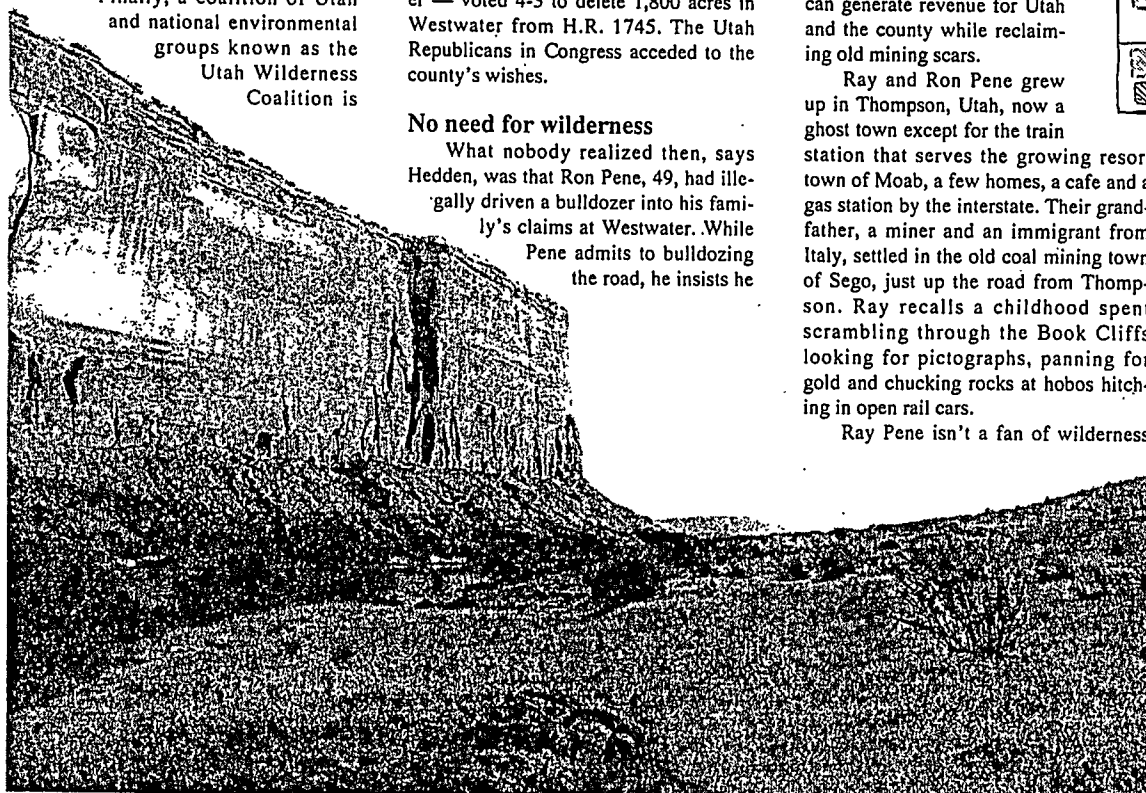
legislation.

"I am completely opposed to the taking of lands from multiple use," wrote Councilman Pene in a letter last spring to the delegation. "I have heard the argument that if we don't designate the lands wilderness, we will lose them forever. I say if we do designate the lands as wilderness, we do lose them forever."

Environmentalists say Pene is exactly the kind of council member Utah's congressional delegation hoped they would find when they asked leaders in rural counties to recommend wilderness. The delegation says they wanted approval from those who would be most affected.

Environmentalists charge that the consultation with rural counties was a ploy to make the 1.8 million-acre bill look generous, knowing that most rural counties would recommend little-to-no wilderness.

It happened in most of rural Utah (HCN, 3/20/95). But in Grand County, even though at least three council members are anti-wilderness, as a group they called for more wilderness than the delegation. Hedden says the Pene claims in Westwater were deleted as part of the



This sandstone cliff marks the entrance to Westwater Canyon

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give-and-take needed to keep Grand County's proposal intact. This was one of the dumber things the council did, Hedden says now.

"It's not a gigantic piece of wilderness, but it makes you sick to see the moss; blatant conflict of interest blessed and rewarded. It's in the delegation's bill," he says. "It changes national law in Pene's individual favor."

Activist turns detective

The Westwater deletion seems like the kind of thing that should have galvanized environmentalists and the 20,000 boaters that paddle through Westwater each year. The canyon is home to native endangered fish, bald eagles, golden eagles, blue herons, peregrine falcons, a rare species of butterfly and scores of archaeological sites. It is also a whitewater run of near-cult status, drawing so many boaters from Salt Lake City and Denver that a permit system was instated in 1973.

"Rivers are getting so crowded," says Skip Edwards. "But here, the permit system allows for a rare experience: a 17-mile, primitive, recreational river trip that can be done easily in one or two days."

But while the Pene deletion is a terrible mistake, say environmentalists, they have bigger battles — whole chunks left off the bill, hard-release language that would prohibit future wilderness designations in Utah, and disclaimers that allow dams, motorized vehicles, overflights and pipelines inside wilderness areas.

That's where Skip Edwards, our guide through the canyon, steps in. Westwater is one of his favorite wild places, and he's not about to see even a piece of the canyon let go.

He and his partner, Doreen Dethmers, worked for the BLM and lived at the ranger station, a mile or so upstream from the canyon's entrance, from 1988 to 1993. They know every side canyon, every submerged feature of the river bottom, every eddy. Though they could rarely find time away from the boaters to have a quiet evening alone, Edwards says one of the joys of working at Westwater was watching people fall in love with the canyon.

He resigned from the BLM a few

months ago in disgust, in part because of the BLM's refusal to protect Westwater from Pene.

"He's given up everything to work on this, which is amazing to me," says Hedden.

"This is the first time I've dug in my heels," says Edwards, 50.

Edwards has turned detective as well as activist, obsessed with every detail of the Pene's mining claim. What he found was that the conflict was partly the BLM's fault. In 1975, an amendment to the Wild and Scenic River Act protected a quarter-mile on each side of the canyon from new mining claims.

Unfortunately, the agency forgot to file for an extension in 1982, creating a three-year loophole through which Pene drove his first six claims. Pene's other claims were filed in 1991, after protection had been reinstated. BLM geologist Sal Venticinque thinks the agency could kill at least some of the claims simply because of their filing date.

The agency could also get rid of the rest of the Pene claims if it can prove mining can't make a reasonable profit, says Kate Kitchell, the BLM's Moab district manager. So far, the agency hasn't tried. Although a 1989 study by the Bureau of Mines estimated the claims wouldn't produce much gold, Pene believes he may have found the mother lode.

But Edwards and Hedden wonder if Ron Pene is working the claims mainly to gain ownership of the land through the 1872 Mining Law. His claims are at the edge of a spectacular canyon slated for wilderness.

Pene says if he had the money, he would patent the claims — but only to protect his mining rights. "I don't want to build a resort," he says. "This is strictly for mining and that's the way it is."

Kitchell believes him: "Like a lot of people, I think he'd like to be a rich miner."

Though the BLM is now trying to actively manage Pene's claims, its attempts to enforce the law have been ignored. Alex VanHemert, a recreation planner for the BLM, says Pene continues to work his claims without BLM permission. He no longer uses the bulldozer, but he still maintains the road with a metal drag that he attaches to his truck. He parks the drag near one of his test pits.

Pene says the BLM is harassing him and that it has changed the rules. "The bottom line is, I'm not getting a fair shake."

But Edwards says agency officials haven't been aggressive enough. He thinks they're scared Pene might do serious damage to the land. Given agency inconsistencies and lax enforcement, Edwards also raises the question of collusion with former BLM staff. "It's too hard to trace," says Hedden. "But it wouldn't take your breath away."

A hotbed of rebellion

The history of Moab and Grand County give some force to Edwards' distrust.

Grand County was a hotbed of the Sagebrush Rebellion after the 1976 Federal Land Policy Management Act directed the BLM to inventory its lands for wilderness potential.

Commissioners tried to drive a bulldozer into a wilderness study area on July 4, 1980, missing the boundary by a quarter-mile and then correcting the mistake several days later (HCN, 7/11/80). A BLM district manager who attempted to protect the land was transferred; a more accommodating official was brought in.

Moab is also where the husband of a BLM employee working on the wilder-

ness inventory took a BLM district manager hostage at gunpoint. Finally, he decided he couldn't blame his woes on the federal government, so he released his hostage, went around back of the agency's district office, and blew his brains out.

"Mining is what put Moab on the map, and everyone hoped mining would pull the county out of its slump in the 1980s," explains BLM geologist Terry McParland. "Instead, recreation turned out to be the answer. That's been both good and bad. It's hard to convince locals they have to change their ways."

She says old-time county residents and recreationists are still learning how to respect each other. "For some people," she adds, "that learning curve may not be very fast."

Despite the canyon of disagreement between them, Skip Edwards and the Pene brothers have more in common than they might think: The three are intimate with and passionate about the land in a way that those making the decisions in Washington, D.C., are not. They just see it differently.

When Edwards talks about Westwater, his reference points are nesting grounds, rapids, a certain arch, a beach swallowed by high water. When council member Ray Pene talks about his native Utah, his landmarks are those created by extraction and industry: mines, diverted rivers, power plants, the new Miçron factory near Lehi.

A decision on the Utah delegation's bill, H.R. 1745, is imminent, says Ken Rait

of the Southern Utah Wilderness Alliance. He says it will probably pass the House easily, but may be defeated by the Senate, or possibly vetoed by the president.

Edwards is optimistic, but he hasn't stopped fighting for the canyon. He recently bought a second-hand suit at a thrift store and traveled to Washington, D.C., to lobby Utah lawmakers. He wore dress shoes, not river sandals, and grew big blisters on his ankles. He told lawmakers they must put the Pene deletion back into H.R. 1745.

"I want to believe some people heard what I was saying," reports Edwards.

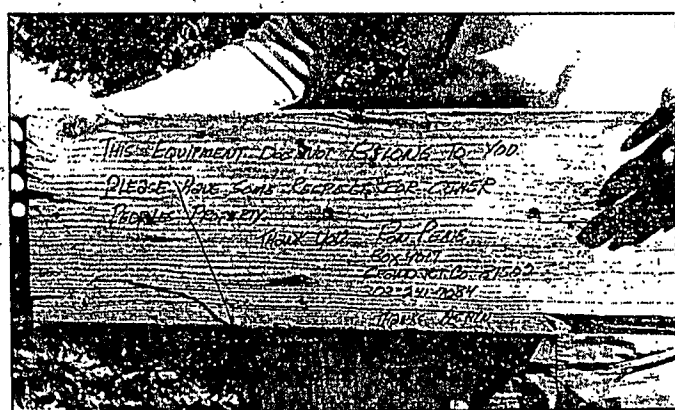
Aaron Edens, aide to Rep. Enid Waldholtz, R-Utah, says the congresswoman is looking into the possibility of adding the deleted portion of Westwater to the 300,000-acre amendment she plans to introduce when the bill hits the House floor.

Meanwhile, Pene vows to hold onto the claims he considers his:

"They're still not going to be wilderness, even if those bills don't go through. Am I going to let the property go? No!" ■

Elizabeth Manning is HCN's staff reporter.

For more information about H.R. 1745, contact Rep. James Hansen, R-Utah, at the U.S. House of Representatives, or Sen. Bob Bennett, R-Utah, at the U.S. Senate, Washington, DC 20510 (202/225-3121).



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Ron Pene says recreationists should respect "his" property

The disagreement is total

When it comes to his Westwater mining claims, Ron Pene and the BLM disagree on nearly everything.

To begin with, Pene believes BLM staffers overlooked man-made disturbances when they surveyed the area for wilderness potential in the early 1980s. Those disturbances disqualify the area for wilderness, he says. Agency officials say that although staffers found some "vehicular trails" and evidence of past mining, Westwater was classic wilderness with no "permanent improvements."

As for the bulldozed road, Pene maintains it's a county road that has always looked like it does now. But BLM planner Alex VanHemert says the agency has never recognized it as a county road. Pene illegally modified it from a jeep track to a graded dirt road, he says. The area has been officially closed to motorized vehicles since 1974, he adds, although the agency didn't post a sign until 1992.

Because his claims are inside a wilderness study area, Pene must follow special restrictions and an agency-approved mining plan, says VanHemert. Pene claims he has repeatedly filed the necessary mining permits but that the agency keeps requesting more paperwork. Pene did have an approved mining plan in 1986 for "casual use," but VanHemert says he needed to submit a full plan subject to an environmental assessment prior to bringing a bulldozer in. That's why he was cited in 1992.

Pene thinks the BLM is hard on him, but not on recreationists. He says boaters leave human feces and trash on his claims and that someone has repeatedly torn down his required mining notices.

"I'm trying to live by the law," says Pene. "I don't want to push the issue. All I want is to be left alone to mine my claim."

— E.M.